

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	)	Examiner: To be Assigned
Avi J. ASHKENAZI, et al.	)	Art Unit: To be Assigned
Application Serial No. To be Assigned	)	Parent Serial No. 09/918,585
Filed: Herewith	)	Parent Filed: July 30, 2001
For: <b>SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME</b>	)	Attorney's Docket No. 39780-2630 P1C1C1
	)	<b>Customer No. 35489</b>

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Date Mailed: MARCH 18, 2004

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Mail Stop Patent Application  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If Form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

- (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage  
-- OR --
- (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
- (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

- a certification as specified in §1.97(e) is provided below; **or**
- a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

**Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Attorney's Docket No. 39780-2630 P1C1C1).

Respectfully submitted,

Dated: March 18, 2004

By:   
Ginger R. Dreger (Reg. No. 33,055)

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Form PTO-1449  INFORMATION DISCLOSURE STATEMENT  <i>(use several sheets if necessary)</i>				Attorney's Docket No. 39780-2630 P1C1C1	Application Serial No. To be Assigned		
				Applicant(s) Avi J. ASHKENAZI, et al.			
				Filing Date: Herewith	Group Art Unit: To be Assigned		
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date (if appropriate)
	1.*	10/99	5,968,744	Hillman, et al.	435	6	
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Translation YES      NO
	2.*	3/99	WO 99/10363	PCT	C017h	21/00	
	3.*	7/99	WO 99/33979	PCT	C12N	15/00	
	4.*	9/99	WO 99/43802	PCT	C12N	15/12	
	5.*	10/99	WO 99/50405	PCT	C12N	15/12	
<b>OTHER DOCUMENTS</b> <i>(including author, title, date, pertinent pages, etc.)</i>							
Examiner Initials	Ref. No.	Title					
	6.	Kato, S. et al., "New proteins and DNA useful for preventing tumours", Accession No. P_AAZ11186, WO 9943802-A2, filed 2/25/99, pub. 9/2/99					
	7.	Fan, P. et al., "New isolated human genes and the secreted polypeptides they encode useful for diagnosis and treatment of e.g. cancers, neurological disorders, immune diseases, inflammation or blood disorders", Accession No. P_AAX30168, WO9910363, filed 8/27/98, pub. 3/4/99					
	8.	NCI-CGAP <a href="http://www.ncbi.nlm.nih.gov/ncicgap">http://www.ncbi.nlm.nih.gov/ncicgap</a> ., "National Cancer Institute, Cancer Genome Anatomy Project (CGAP), Tumor Gene Index", Accession No. AA902726, unpublished					
	9.	NCI-CGAP <a href="http://www.ncbi.nlm.nih.gov/ncicgap">http://www.ncbi.nlm.nih.gov/ncicgap</a> ., "National Cancer Institute, Cancer Genome Anatomy Project (CGAP), Tumor Gene Index", Accession No. AA689524, unpublished					
	10.	Jacobs, K. et al., "Polynucleotides encoding secreted human proteins, derived from human adult brain, human fetal brain, human fetal kidney, and human adult blood cDNA libraries", Accession No. P_AAX90853, WO9950405-A1, filed 3/30/99, pub. 10/7/99					
	11.	GenPept AAD32301; Oct. 24, 1997					
	12.	EMBL AF031379; Oct. 24, 1997					
	13.	Hwang, et al., "The Mouse Cornichon Gene Family", Dev. Genes Evol., - 209:120-125 (1999)					
	14.	Carninci and Hayashizaki, "High-Efficiency Full-Length cDNA cloning", Meth. Enzymol., - 303:19-44 (1999)					
	15.	Roth, et al., Cell - 81:967-978 (1995)					
	16.	Blast Results A1-A13 (Alignment of DNA23330 and various nucleotide sequences – GenBank Database), Oct. 4, 2001					
	17.	Blast Results B1-B4 (Alignment of DNA23330 and various polypeptides sequences – Dayhoff Database), Oct. 3, 2001					
	18.	Skolnick, et al., Trends in Biotech - 18(1):34-39 (2000)					
	19.	Jobling, et al., Mol. Microbiol., 5(7):1755-1767 (1991)					

## EXAMINER:

## DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).